IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.646 of 2006

Shri Mainuddin Adul Sattar Shaikh — Appellant
Vs.
Mr.Vijay D. Salvi & anr. — Respondents

Mr.T.Raja Ram M. Roy for appellant.
Mr.Samir Vaidya for resp.no.1.
Ms.S.V.Gajare, APP for State.

CORAM: B.H.MARLAPALLE, J.

October 9, 2007.

P.C.

. Heard Mr.Raja Ram Roy, the learned counsel for the applicant. The applicant had filed C.C. No.5194/SS of 2005 under Section 138 of the Negotiable Instruments Act, 1881 in respect of dishonour of cheque in the sum of Rs.74,200/- bearing no.-75073 dated 28/3/2003. The complaint came to be dismissed and the accused Shri Vijay D. Salvi has been acquitted.

. In the complaint itself it was admitted by the complainant that he booked a flat at Kharghar Project proposed to be developed by M/s. Salvi Infrastructure Pvt. Ltd. and had paid a sum of Rs.74,200/- to the Managing Director of the said company. This company was not impleaded as an accused and, therefore, the trial Court noted that

when the company was not made as accused no.1, there was no legally enforceable liability against the accused in his personal capacity and the complaint was dismissed. The trial Court also noted that the notices were sent to all the Directors of M/s. Salvi Infrastructure Pvt. Ltd. but the said company as well as other Directors were not impleaded as the accused.

. The reasoning set out by the trial Court does not call for reconsideration at the hands of this Court. Hence leave to appeal is refused and the application is rejected.

(B.H.MARL